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Paper Number

In re application of
James F. Bredt et al.
Serial No. 09/706,350
Filed: November 03, 2000
For: MATERIAL SYSTEMS AND METHODS OF
THREE-DIMENSIONAL PRINTING

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181 filed April 23, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of April 05, 2004, for failure to timely file a proper reply to the Office letter of September 03, 2003, be withdrawn since the applicants did timely file a response thereto on December 03, 2003 by facsimile transmission to the USPTO. (A copy of the papers filed December 03, 2003 and a copy of the Auto-Reply Facsimile Transmission indicating receipt of the facsimile transmission at the USPTO is attached to the instant petition.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's response was properly filed on December 03, 2003 by facsimile transmission as evidenced by the properly completed Certification of Facsimile Transmission attached to applicant's response and by the copy of the Auto-Reply Facsimile Transmission report provided with the instant petition which indicates the successful transmission, to a USPTO facsimile telephone number (703-872-9310) on December 03, 2003. Therefore, the application was never in-fact abandoned and any holding of abandonment for failure to timely file a proper response to the Office letter mailed on September 03, 2003 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for processing and consideration of the papers originally filed September 03, 2003 by facsimile transmission and a copy of which is provided as an attachment to the instant petition.

The Petition is **GRANTED**.



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